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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,088	11/29/2000	Harand Gaspar	95-379	7515
20736	7590	12/16/2004	EXAMINER	
MANELLI DENISON & SELTER 2000 M STREET NW SUITE 700 WASHINGTON, DC 20036-3307			LEVITAN, DMITRY	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/725,088	<b>Applicant(s)</b> GASPAR, HARAND	
	<b>Examiner</b> Dmitry Levitan	<b>Art Unit</b> 2662	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment, filed 6/25/04.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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Amendment, filed 06/25/04, has been entered. Claims 1-20 remain pending.

***Claim Rejections - 35 USC § 112***

1. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not provide sufficient details to enable a skilled in the art to make and use the invention because it does not adequately describe the following:

Regarding claim 1, how to determine a randomness of the idle intervals based on prescribed minimum number of the identified time intervals;

Regarding claim 10, how to configure an analyzer to determine a randomness of the idle intervals based on prescribed minimum number of the identified time intervals;

Regarding claim 16, how to configure a processor to determine a randomness of the idle intervals based on prescribed minimum number of the identified time intervals;

Regarding claims 2, 11 and 17, how a physical transceiver operates in a loop back mode;

Regarding claims 3, 6, 8, 12, 15 and 18, what is exposed media independent interface.

The specification does not provide enough details about the structure and operation of the elements associated with the above identified claimed features to enable one skilled in the art to make and use the invention without undue experimentation.

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2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 10 and 16, the claim limitation “determine a randomness of the idle intervals” is unclear, because the specification does not disclose what the determination of randomness means.

***Claim Rejections - 35 USC § 103***

3. In light of Applicants Remarks, the claims 1, 5-7, 10, 13, 14, 16, 19 and 20 rejection under 35 USC § 103 has been withdrawn.

***Response to Arguments***

4. Applicant's arguments filed 06/25/04 have been fully considered but they are not persuasive.

On page 2-3 of the Response, Applicant argues that determining randomness is disclosed on Fig. 4A-C and their respective text.

Examiner respectfully disagrees.

Fig. 4 A-C and specification description of low distribution on Fig. 4B and high distribution on Fig. 4C are not sufficient to determine randomness of the intervals, because these figures provide no criteria on randomness. Examiner believes that it is impossible to compare the measurement results to the Fig. 4 A-C and determine if the results are random.

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On page 3 of the Response, Applicant argues that physical transceiver operating in a loop back mode is disclosed in the specification on page 6 lines 30-32.

Examiner respectfully disagrees.

The specification on page 6 lines 30-32 contains only statement “The physical layer transceiver 62 is configured in a loopback mode for simultaneous transmission and reception of each attempted transmission of the data packet”. Examiner believes that the transceivers with such loopback capabilities are not well known in the art and the specification does not provide enough details about the structure and operation of it to enable one skilled in the art to make and use the invention without undue experimentation.

On page 3 of the Response, Applicant argues that exposed media independent interface is disclosed in the specification on page 5 lines 9-11.

Examiner respectfully disagrees.

The specification on page 5 lines 9-11 contains only statement about a logic analyzer connected to the exposed media independent interface. Examiner believes that exposed media independent interface is not well known in the art and the specification does not provide enough details about the structure and operation of it to enable one skilled in the art to make and use the invention without undue experimentation.

On page 4 of the Response, Applicant argues that the specification provides clear determination of randomness.

Examiner respectfully disagrees.

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It is understood that Fig. 4 A-C provide examples of a random distribution of slot times for collision delay intervals, however it is unclear what is randomness of the idle intervals (slot times for collision delay intervals), because the specification provides no definition on what is randomness. Examiner believes that this parameter is not well known in the art or defined in the specification.

Examiner therefore believes that the rejection is proper.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

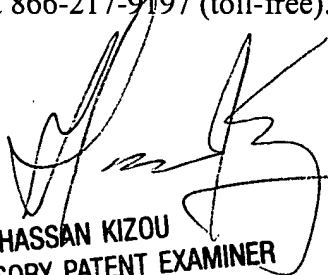
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Levitan  
Patent Examiner  
12/09/04



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